



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2367

Introduced 2/15/2013, by Sen. Kyle McCarter

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Project Labor Agreements Act. Prohibits the State Board of Education and the Capital Development Board from requiring a project labor agreement for any school construction project or grant. Authorizes a board of education to exempt any school construction project from the requirements of the Act. Amends the Downstate Teachers Article of the Illinois Pension Code. Incrementally shifts the System's normal costs to local school districts, but only if certain State mandates are funded by the State. Includes provisions concerning billing, review, and payment. Amends the School Code. Makes changes in provisions concerning mandates for public and private schools. Repeals the Driver's Education Act. Amends the Illinois Educational Labor Relations Act. Prohibits school districts from entering into, amending, or renewing certain technology-related collective bargaining agreements. Amends the Prevailing Wage Act. Provides that a board of education may exempt school construction projects undertaken in the district from the Act. Amends the State Mandates Act to require implementation without reimbursement. Makes other changes. Effective immediately.

LRB098 09498 EFG 39641 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. The Illinois Public Labor Relations Act is  
5 amended by changing Section 15 as follows:

6 (5 ILCS 315/15) (from Ch. 48, par. 1615)

7 Sec. 15. Act Takes Precedence.

8 (a) In case of any conflict between the provisions of this  
9 Act and any other law (other than Section 5 of the State  
10 Employees Group Insurance Act of 1971 and other than the  
11 changes made by this amendatory Act of the 98th General  
12 Assembly or to the Illinois Pension Code by this amendatory Act  
13 of the 96th General Assembly), executive order or  
14 administrative regulation relating to wages, hours and  
15 conditions of employment and employment relations, the  
16 provisions of this Act or any collective bargaining agreement  
17 negotiated thereunder shall prevail and control. Nothing in  
18 this Act shall be construed to replace or diminish the rights  
19 of employees established by Sections 28 and 28a of the  
20 Metropolitan Transit Authority Act, Sections 2.15 through 2.19  
21 of the Regional Transportation Authority Act. The provisions of  
22 this Act are subject to Section 5 of the State Employees Group  
23 Insurance Act of 1971. Nothing in this Act shall be construed

1 to replace the necessity of complaints against a sworn peace  
2 officer, as defined in Section 2(a) of the Uniform Peace  
3 Officer Disciplinary Act, from having a complaint supported by  
4 a sworn affidavit.

5 (b) Except as provided in subsection (a) above, any  
6 collective bargaining contract between a public employer and a  
7 labor organization executed pursuant to this Act shall  
8 supersede any contrary statutes, charters, ordinances, rules  
9 or regulations relating to wages, hours and conditions of  
10 employment and employment relations adopted by the public  
11 employer or its agents. Any collective bargaining agreement  
12 entered into prior to the effective date of this Act shall  
13 remain in full force during its duration.

14 (c) It is the public policy of this State, pursuant to  
15 paragraphs (h) and (i) of Section 6 of Article VII of the  
16 Illinois Constitution, that the provisions of this Act are the  
17 exclusive exercise by the State of powers and functions which  
18 might otherwise be exercised by home rule units. Such powers  
19 and functions may not be exercised concurrently, either  
20 directly or indirectly, by any unit of local government,  
21 including any home rule unit, except as otherwise authorized by  
22 this Act.

23 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11.)

24 Section 5. The Project Labor Agreements Act is amended by  
25 changing Sections 10 and 15 and by adding Section 17 as

1 follows:

2 (30 ILCS 571/10)

3 Sec. 10. Public works projects. Except as provided in  
4 Section 17 of this Act, on ~~On~~ a project-by-project basis, a  
5 State department, agency, authority, board, or instrumentality  
6 that is under the control of the Governor shall include a  
7 project labor agreement on a public works project when that  
8 department, agency, authority, board, or instrumentality has  
9 determined that the agreement advances the State's interests of  
10 cost, efficiency, quality, safety, timeliness, skilled labor  
11 force, labor stability, or the State's policy to advance  
12 minority-owned and women-owned businesses and minority and  
13 female employment.

14 (Source: P.A. 97-199, eff. 7-27-11.)

15 (30 ILCS 571/15)

16 Sec. 15. Public works projects funded with federal funds.  
17 Except as provided in Section 17 of this Act, when ~~When~~ it has  
18 been determined that a project labor agreement is appropriate,  
19 and in furtherance of the President's Executive Order 13502,  
20 the State department, agency, authority, board, or  
21 instrumentality responsible for awarding the project may  
22 include a project labor agreement on a public works project  
23 funded in whole or in part with federal funds.

24 (Source: P.A. 97-199, eff. 7-27-11.)

1 (30 ILCS 571/17 new)

2 Sec. 17. School construction projects; grants.

3 (a) Notwithstanding any other provision of this Act, the  
4 State Board of Education and the Capital Development Board  
5 shall not require a project labor agreement for any school  
6 construction project or any school construction project grant  
7 or debt service grant provided under the School Construction  
8 Law.

9 (b) Notwithstanding any other provision of this Act, the  
10 board of education of any school district may, by passage of a  
11 resolution, exempt any school construction project undertaken  
12 in the district from the requirements of this Act, unless the  
13 district has already entered into a project labor agreement  
14 concerning that school construction project.

15 (c) For the purposes of this Section, "school construction  
16 project" means the acquisition, development, construction,  
17 reconstruction, rehabilitation, improvement, architectural  
18 planning, and installation of capital facilities consisting of  
19 buildings, structures, durable equipment, and land for  
20 educational purposes.

21 Section 10. The Illinois Pension Code is amended by  
22 changing Section 16-158 as follows:

23 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

1           Sec. 16-158. Contributions by State and other employing  
2 units.

3           (a) The State shall make contributions to the System by  
4 means of appropriations from the Common School Fund and other  
5 State funds of amounts which, together with other employer  
6 contributions, employee contributions, investment income, and  
7 other income, will be sufficient to meet the cost of  
8 maintaining and administering the System on a 90% funded basis  
9 in accordance with actuarial recommendations.

10           Subject to the conditions set forth in subsection (b-4),  
11 the employers under this Article shall be responsible for  
12 paying a portion of the normal costs of the System beginning in  
13 State fiscal year 2014 and all of the normal costs of the  
14 System beginning in State fiscal year 2023.

15           The Board shall determine the amount of State contributions  
16 required for each fiscal year on the basis of the actuarial  
17 tables and other assumptions adopted by the Board and the  
18 recommendations of the actuary, using the formula in subsection  
19 (b-3).

20           (a-1) Annually, on or before November 15 until November 15,  
21 2011, the Board shall certify to the Governor the amount of the  
22 required State contribution for the coming fiscal year. The  
23 certification under this subsection (a-1) shall include a copy  
24 of the actuarial recommendations upon which it is based and  
25 shall specifically identify the System's projected State  
26 normal cost for that fiscal year.

1           On or before May 1, 2004, the Board shall recalculate and  
2           recertify to the Governor the amount of the required State  
3           contribution to the System for State fiscal year 2005, taking  
4           into account the amounts appropriated to and received by the  
5           System under subsection (d) of Section 7.2 of the General  
6           Obligation Bond Act.

7           On or before July 1, 2005, the Board shall recalculate and  
8           recertify to the Governor the amount of the required State  
9           contribution to the System for State fiscal year 2006, taking  
10          into account the changes in required State contributions made  
11          by this amendatory Act of the 94th General Assembly.

12          On or before April 1, 2011, the Board shall recalculate and  
13          recertify to the Governor the amount of the required State  
14          contribution to the System for State fiscal year 2011, applying  
15          the changes made by Public Act 96-889 to the System's assets  
16          and liabilities as of June 30, 2009 as though Public Act 96-889  
17          was approved on that date.

18          (a-5) On or before November 1 of each year, beginning  
19          November 1, 2012, the Board shall submit to the State Actuary,  
20          the Governor, and the General Assembly a proposed certification  
21          of the amount of the required State contribution to the System  
22          for the next fiscal year, along with all of the actuarial  
23          assumptions, calculations, and data upon which that proposed  
24          certification is based. On or before January 1 of each year,  
25          beginning January 1, 2013, the State Actuary shall issue a  
26          preliminary report concerning the proposed certification and

1 identifying, if necessary, recommended changes in actuarial  
2 assumptions that the Board must consider before finalizing its  
3 certification of the required State contributions. On or before  
4 January 15, 2013 and each January 15 thereafter, the Board  
5 shall certify to the Governor and the General Assembly the  
6 amount of the required State contribution for the next fiscal  
7 year. The Board's certification must note any deviations from  
8 the State Actuary's recommended changes, the reason or reasons  
9 for not following the State Actuary's recommended changes, and  
10 the fiscal impact of not following the State Actuary's  
11 recommended changes on the required State contribution.

12 (b) Through State fiscal year 1995, the State contributions  
13 shall be paid to the System in accordance with Section 18-7 of  
14 the School Code.

15 (b-1) Beginning in State fiscal year 1996, on the 15th day  
16 of each month, or as soon thereafter as may be practicable, the  
17 Board shall submit vouchers for payment of State contributions  
18 to the System, in a total monthly amount of one-twelfth of the  
19 required annual State contribution certified under subsection  
20 (a-1). From the effective date of this amendatory Act of the  
21 93rd General Assembly through June 30, 2004, the Board shall  
22 not submit vouchers for the remainder of fiscal year 2004 in  
23 excess of the fiscal year 2004 certified contribution amount  
24 determined under this Section after taking into consideration  
25 the transfer to the System under subsection (a) of Section  
26 6z-61 of the State Finance Act. These vouchers shall be paid by

1 the State Comptroller and Treasurer by warrants drawn on the  
2 funds appropriated to the System for that fiscal year.

3 If in any month the amount remaining unexpended from all  
4 other appropriations to the System for the applicable fiscal  
5 year (including the appropriations to the System under Section  
6 8.12 of the State Finance Act and Section 1 of the State  
7 Pension Funds Continuing Appropriation Act) is less than the  
8 amount lawfully vouchered under this subsection, the  
9 difference shall be paid from the Common School Fund under the  
10 continuing appropriation authority provided in Section 1.1 of  
11 the State Pension Funds Continuing Appropriation Act.

12 (b-2) Allocations from the Common School Fund apportioned  
13 to school districts not coming under this System shall not be  
14 diminished or affected by the provisions of this Article.

15 (b-3) For State fiscal years 2012 through 2045, the minimum  
16 contribution to the System to be made by the State for each  
17 fiscal year shall be an amount determined by the System to be  
18 sufficient to bring the total assets of the System up to 90% of  
19 the total actuarial liabilities of the System by the end of  
20 State fiscal year 2045. In making these determinations, the  
21 required State contribution shall be calculated each year as a  
22 level percentage of payroll over the years remaining to and  
23 including fiscal year 2045 and shall be determined under the  
24 projected unit credit actuarial cost method.

25 For State fiscal years 1996 through 2005, the State  
26 contribution to the System, as a percentage of the applicable

1 employee payroll, shall be increased in equal annual increments  
2 so that by State fiscal year 2011, the State is contributing at  
3 the rate required under this Section; except that in the  
4 following specified State fiscal years, the State contribution  
5 to the System shall not be less than the following indicated  
6 percentages of the applicable employee payroll, even if the  
7 indicated percentage will produce a State contribution in  
8 excess of the amount otherwise required under this subsection  
9 and subsection (a), and notwithstanding any contrary  
10 certification made under subsection (a-1) before the effective  
11 date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77%  
12 in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY  
13 2003; and 13.56% in FY 2004.

14 Notwithstanding any other provision of this Article, the  
15 total required State contribution for State fiscal year 2006 is  
16 \$534,627,700.

17 Notwithstanding any other provision of this Article, the  
18 total required State contribution for State fiscal year 2007 is  
19 \$738,014,500.

20 For each of State fiscal years 2008 through 2009, the State  
21 contribution to the System, as a percentage of the applicable  
22 employee payroll, shall be increased in equal annual increments  
23 from the required State contribution for State fiscal year  
24 2007, so that by State fiscal year 2011, the State is  
25 contributing at the rate otherwise required under this Section.

26 Notwithstanding any other provision of this Article, the

1 total required State contribution for State fiscal year 2010 is  
2 \$2,089,268,000 and shall be made from the proceeds of bonds  
3 sold in fiscal year 2010 pursuant to Section 7.2 of the General  
4 Obligation Bond Act, less (i) the pro rata share of bond sale  
5 expenses determined by the System's share of total bond  
6 proceeds, (ii) any amounts received from the Common School Fund  
7 in fiscal year 2010, and (iii) any reduction in bond proceeds  
8 due to the issuance of discounted bonds, if applicable.

9 Notwithstanding any other provision of this Article, the  
10 total required State contribution for State fiscal year 2011 is  
11 the amount recertified by the System on or before April 1, 2011  
12 pursuant to subsection (a-1) of this Section and shall be made  
13 from the proceeds of bonds sold in fiscal year 2011 pursuant to  
14 Section 7.2 of the General Obligation Bond Act, less (i) the  
15 pro rata share of bond sale expenses determined by the System's  
16 share of total bond proceeds, (ii) any amounts received from  
17 the Common School Fund in fiscal year 2011, and (iii) any  
18 reduction in bond proceeds due to the issuance of discounted  
19 bonds, if applicable. This amount shall include, in addition to  
20 the amount certified by the System, an amount necessary to meet  
21 employer contributions required by the State as an employer  
22 under paragraph (e) of this Section, which may also be used by  
23 the System for contributions required by paragraph (a) of  
24 Section 16-127.

25 Beginning in State fiscal year 2046, the minimum State  
26 contribution for each fiscal year shall be the amount needed to

1 maintain the total assets of the System at 90% of the total  
2 actuarial liabilities of the System.

3       Amounts received by the System pursuant to Section 25 of  
4 the Budget Stabilization Act or Section 8.12 of the State  
5 Finance Act in any fiscal year do not reduce and do not  
6 constitute payment of any portion of the minimum State  
7 contribution required under this Article in that fiscal year.  
8 Such amounts shall not reduce, and shall not be included in the  
9 calculation of, the required State contributions under this  
10 Article in any future year until the System has reached a  
11 funding ratio of at least 90%. A reference in this Article to  
12 the "required State contribution" or any substantially similar  
13 term does not include or apply to any amounts payable to the  
14 System under Section 25 of the Budget Stabilization Act.

15       Notwithstanding any other provision of this Section, the  
16 required State contribution for State fiscal year 2005 and for  
17 fiscal year 2008 and each fiscal year thereafter, as calculated  
18 under this Section and certified under subsection (a-1), shall  
19 not exceed an amount equal to (i) the amount of the required  
20 State contribution that would have been calculated under this  
21 Section for that fiscal year if the System had not received any  
22 payments under subsection (d) of Section 7.2 of the General  
23 Obligation Bond Act, minus (ii) the portion of the State's  
24 total debt service payments for that fiscal year on the bonds  
25 issued in fiscal year 2003 for the purposes of that Section  
26 7.2, as determined and certified by the Comptroller, that is

1 the same as the System's portion of the total moneys  
2 distributed under subsection (d) of Section 7.2 of the General  
3 Obligation Bond Act. In determining this maximum for State  
4 fiscal years 2008 through 2010, however, the amount referred to  
5 in item (i) shall be increased, as a percentage of the  
6 applicable employee payroll, in equal increments calculated  
7 from the sum of the required State contribution for State  
8 fiscal year 2007 plus the applicable portion of the State's  
9 total debt service payments for fiscal year 2007 on the bonds  
10 issued in fiscal year 2003 for the purposes of Section 7.2 of  
11 the General Obligation Bond Act, so that, by State fiscal year  
12 2011, the State is contributing at the rate otherwise required  
13 under this Section.

14 (b-4) Beginning in State fiscal year 2014, the minimum  
15 required contribution of employers under this Article shall be  
16 the following percentages of payroll, but only if, for the  
17 specified State fiscal year, the State provides full funding at  
18 the State fiscal year 2010 level for the mandates set forth in  
19 the School Breakfast and Lunch Program Act and Article 14 and  
20 Sections 18-3, 18-4.3, and 29-5 of the School Code:

21 (i) for State fiscal year 2014, 0.5% of the- employer's  
22 payroll for that fiscal year;

23 (ii) for State fiscal year 2015, 1.0% of the employer's  
24 payroll for that fiscal year; and

25 (iii) for State fiscal year 2016, 2.0% of the  
26 employer's payroll for that fiscal year;

1           (iv) for State fiscal year 2017, 3.0% of the employer's  
2           payroll for that fiscal year;

3           (v) for State fiscal year 2018, 4.0% of the employer's  
4           payroll for that fiscal year;

5           (vi) for State fiscal year 2019, 5.0% of the employer's  
6           payroll for that fiscal year;

7           (vii) for State fiscal year 2020, 6.0% of the  
8           employer's payroll for that fiscal year;

9           (viii) for State fiscal year 2021, 7.0% of the  
10           employer's payroll for that fiscal year;

11           (ix) for State fiscal year 2022, 8.0% of the employer's  
12           payroll for that fiscal year; and

13           (x) for State fiscal year 2023 and each State fiscal  
14           year thereafter, 9.0% of the employer's payroll for that  
15           fiscal year.

16           If the State does not provide, for a State fiscal year,  
17           full funding at the State fiscal year 2010 level for the  
18           mandates set forth in the School Breakfast and Lunch Program  
19           Act and Article 14 and Sections 18-3, 18-4.3, and 29-5 of the  
20           School Code, then the employers shall not be required to make a  
21           contribution under this subsection (b-4) for that State fiscal  
22           year.

23           Notwithstanding any other provision of this subsection  
24           (b-4), the minimum required contribution under this Section for  
25           a fiscal year shall not exceed the System's normal costs for  
26           that year.

1 Whenever it determines that a payment is or may be required  
2 under this subsection (b-4), the System shall calculate the  
3 amount of the payment and bill the employer for that amount.  
4 The bill shall specify the calculations used to determine the  
5 amount due. If the employer disputes the amount of the bill, it  
6 may, within 30 days after receipt of the bill, apply to the  
7 System in writing for a recalculation. The application must  
8 specify in detail the grounds of the dispute. Upon receiving a  
9 timely application for recalculation, the System shall review  
10 the application and, if appropriate, recalculate the amount  
11 due.

12 The employer contributions required under this subsection  
13 (b-4) may be paid in the form of a lump sum within 90 days after  
14 receipt of the bill. If the employer contributions are not paid  
15 within 90 days after receipt of the bill, then interest will be  
16 charged at a rate equal to the System's annual actuarially  
17 assumed rate of return on investment compounded annually from  
18 the 91st day after receipt of the bill. Payments must be  
19 concluded within 3 years after the employer's receipt of the  
20 bill.

21 The purpose of this subsection (b-4), as well as the  
22 school-mandate-related provisions of this amendatory Act of  
23 the 98th General Assembly, is to shift certain pension-related  
24 costs to employers while lessening the effects of unfunded  
25 State mandates in order to ensure the financial stability of  
26 affected employers.

1           (c) Payment of the required State contributions and of all  
2 pensions, retirement annuities, death benefits, refunds, and  
3 other benefits granted under or assumed by this System, and all  
4 expenses in connection with the administration and operation  
5 thereof, are obligations of the State.

6           If members are paid from special trust or federal funds  
7 which are administered by the employing unit, whether school  
8 district or other unit, the employing unit shall pay to the  
9 System from such funds the full accruing retirement costs based  
10 upon that service, as determined by the System. Employer  
11 contributions, based on salary paid to members from federal  
12 funds, may be forwarded by the distributing agency of the State  
13 of Illinois to the System prior to allocation, in an amount  
14 determined in accordance with guidelines established by such  
15 agency and the System.

16           (d) Effective July 1, 1986, any employer of a teacher as  
17 defined in paragraph (8) of Section 16-106 shall pay the  
18 employer's normal cost of benefits based upon the teacher's  
19 service, in addition to employee contributions, as determined  
20 by the System. Such employer contributions shall be forwarded  
21 monthly in accordance with guidelines established by the  
22 System.

23           However, with respect to benefits granted under Section  
24 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)  
25 of Section 16-106, the employer's contribution shall be 12%  
26 (rather than 20%) of the member's highest annual salary rate

1 for each year of creditable service granted, and the employer  
2 shall also pay the required employee contribution on behalf of  
3 the teacher. For the purposes of Sections 16-133.4 and  
4 16-133.5, a teacher as defined in paragraph (8) of Section  
5 16-106 who is serving in that capacity while on leave of  
6 absence from another employer under this Article shall not be  
7 considered an employee of the employer from which the teacher  
8 is on leave.

9 (e) Beginning July 1, 1998, every employer of a teacher  
10 shall pay to the System an employer contribution computed as  
11 follows:

12 (1) Beginning July 1, 1998 through June 30, 1999, the  
13 employer contribution shall be equal to 0.3% of each  
14 teacher's salary.

15 (2) Beginning July 1, 1999 and thereafter, the employer  
16 contribution shall be equal to 0.58% of each teacher's  
17 salary.

18 The school district or other employing unit may pay these  
19 employer contributions out of any source of funding available  
20 for that purpose and shall forward the contributions to the  
21 System on the schedule established for the payment of member  
22 contributions.

23 These employer contributions are intended to offset a  
24 portion of the cost to the System of the increases in  
25 retirement benefits resulting from this amendatory Act of 1998.

26 Each employer of teachers is entitled to a credit against

1 the contributions required under this subsection (e) with  
2 respect to salaries paid to teachers for the period January 1,  
3 2002 through June 30, 2003, equal to the amount paid by that  
4 employer under subsection (a-5) of Section 6.6 of the State  
5 Employees Group Insurance Act of 1971 with respect to salaries  
6 paid to teachers for that period.

7 The additional 1% employee contribution required under  
8 Section 16-152 by this amendatory Act of 1998 is the  
9 responsibility of the teacher and not the teacher's employer,  
10 unless the employer agrees, through collective bargaining or  
11 otherwise, to make the contribution on behalf of the teacher.

12 If an employer is required by a contract in effect on May  
13 1, 1998 between the employer and an employee organization to  
14 pay, on behalf of all its full-time employees covered by this  
15 Article, all mandatory employee contributions required under  
16 this Article, then the employer shall be excused from paying  
17 the employer contribution required under this subsection (e)  
18 for the balance of the term of that contract. The employer and  
19 the employee organization shall jointly certify to the System  
20 the existence of the contractual requirement, in such form as  
21 the System may prescribe. This exclusion shall cease upon the  
22 termination, extension, or renewal of the contract at any time  
23 after May 1, 1998.

24 (f) If the amount of a teacher's salary for any school year  
25 used to determine final average salary exceeds the member's  
26 annual full-time salary rate with the same employer for the

1 previous school year by more than 6%, the teacher's employer  
2 shall pay to the System, in addition to all other payments  
3 required under this Section and in accordance with guidelines  
4 established by the System, the present value of the increase in  
5 benefits resulting from the portion of the increase in salary  
6 that is in excess of 6%. This present value shall be computed  
7 by the System on the basis of the actuarial assumptions and  
8 tables used in the most recent actuarial valuation of the  
9 System that is available at the time of the computation. If a  
10 teacher's salary for the 2005-2006 school year is used to  
11 determine final average salary under this subsection (f), then  
12 the changes made to this subsection (f) by Public Act 94-1057  
13 shall apply in calculating whether the increase in his or her  
14 salary is in excess of 6%. For the purposes of this Section,  
15 change in employment under Section 10-21.12 of the School Code  
16 on or after June 1, 2005 shall constitute a change in employer.  
17 The System may require the employer to provide any pertinent  
18 information or documentation. The changes made to this  
19 subsection (f) by this amendatory Act of the 94th General  
20 Assembly apply without regard to whether the teacher was in  
21 service on or after its effective date.

22 Whenever it determines that a payment is or may be required  
23 under this subsection, the System shall calculate the amount of  
24 the payment and bill the employer for that amount. The bill  
25 shall specify the calculations used to determine the amount  
26 due. If the employer disputes the amount of the bill, it may,

1 within 30 days after receipt of the bill, apply to the System  
2 in writing for a recalculation. The application must specify in  
3 detail the grounds of the dispute and, if the employer asserts  
4 that the calculation is subject to subsection (g) or (h) of  
5 this Section, must include an affidavit setting forth and  
6 attesting to all facts within the employer's knowledge that are  
7 pertinent to the applicability of that subsection. Upon  
8 receiving a timely application for recalculation, the System  
9 shall review the application and, if appropriate, recalculate  
10 the amount due.

11 The employer contributions required under this subsection  
12 (f) may be paid in the form of a lump sum within 90 days after  
13 receipt of the bill. If the employer contributions are not paid  
14 within 90 days after receipt of the bill, then interest will be  
15 charged at a rate equal to the System's annual actuarially  
16 assumed rate of return on investment compounded annually from  
17 the 91st day after receipt of the bill. Payments must be  
18 concluded within 3 years after the employer's receipt of the  
19 bill.

20 (g) This subsection (g) applies only to payments made or  
21 salary increases given on or after June 1, 2005 but before July  
22 1, 2011. The changes made by Public Act 94-1057 shall not  
23 require the System to refund any payments received before July  
24 31, 2006 (the effective date of Public Act 94-1057).

25 When assessing payment for any amount due under subsection  
26 (f), the System shall exclude salary increases paid to teachers

1 under contracts or collective bargaining agreements entered  
2 into, amended, or renewed before June 1, 2005.

3 When assessing payment for any amount due under subsection  
4 (f), the System shall exclude salary increases paid to a  
5 teacher at a time when the teacher is 10 or more years from  
6 retirement eligibility under Section 16-132 or 16-133.2.

7 When assessing payment for any amount due under subsection  
8 (f), the System shall exclude salary increases resulting from  
9 overload work, including summer school, when the school  
10 district has certified to the System, and the System has  
11 approved the certification, that (i) the overload work is for  
12 the sole purpose of classroom instruction in excess of the  
13 standard number of classes for a full-time teacher in a school  
14 district during a school year and (ii) the salary increases are  
15 equal to or less than the rate of pay for classroom instruction  
16 computed on the teacher's current salary and work schedule.

17 When assessing payment for any amount due under subsection  
18 (f), the System shall exclude a salary increase resulting from  
19 a promotion (i) for which the employee is required to hold a  
20 certificate or supervisory endorsement issued by the State  
21 Teacher Certification Board that is a different certification  
22 or supervisory endorsement than is required for the teacher's  
23 previous position and (ii) to a position that has existed and  
24 been filled by a member for no less than one complete academic  
25 year and the salary increase from the promotion is an increase  
26 that results in an amount no greater than the lesser of the

1 average salary paid for other similar positions in the district  
2 requiring the same certification or the amount stipulated in  
3 the collective bargaining agreement for a similar position  
4 requiring the same certification.

5 When assessing payment for any amount due under subsection  
6 (f), the System shall exclude any payment to the teacher from  
7 the State of Illinois or the State Board of Education over  
8 which the employer does not have discretion, notwithstanding  
9 that the payment is included in the computation of final  
10 average salary.

11 (h) When assessing payment for any amount due under  
12 subsection (f), the System shall exclude any salary increase  
13 described in subsection (g) of this Section given on or after  
14 July 1, 2011 but before July 1, 2014 under a contract or  
15 collective bargaining agreement entered into, amended, or  
16 renewed on or after June 1, 2005 but before July 1, 2011.  
17 Notwithstanding any other provision of this Section, any  
18 payments made or salary increases given after June 30, 2014  
19 shall be used in assessing payment for any amount due under  
20 subsection (f) of this Section.

21 (i) The System shall prepare a report and file copies of  
22 the report with the Governor and the General Assembly by  
23 January 1, 2007 that contains all of the following information:

24 (1) The number of recalculations required by the  
25 changes made to this Section by Public Act 94-1057 for each  
26 employer.

1           (2) The dollar amount by which each employer's  
2           contribution to the System was changed due to  
3           recalculations required by Public Act 94-1057.

4           (3) The total amount the System received from each  
5           employer as a result of the changes made to this Section by  
6           Public Act 94-4.

7           (4) The increase in the required State contribution  
8           resulting from the changes made to this Section by Public  
9           Act 94-1057.

10          (j) For purposes of determining the required State  
11          contribution to the System, the value of the System's assets  
12          shall be equal to the actuarial value of the System's assets,  
13          which shall be calculated as follows:

14                As of June 30, 2008, the actuarial value of the System's  
15                assets shall be equal to the market value of the assets as of  
16                that date. In determining the actuarial value of the System's  
17                assets for fiscal years after June 30, 2008, any actuarial  
18                gains or losses from investment return incurred in a fiscal  
19                year shall be recognized in equal annual amounts over the  
20                5-year period following that fiscal year.

21          (k) For purposes of determining the required State  
22          contribution to the system for a particular year, the actuarial  
23          value of assets shall be assumed to earn a rate of return equal  
24          to the system's actuarially assumed rate of return.

25          (Source: P.A. 96-43, eff. 7-15-09; 96-1497, eff. 1-14-11;  
26          96-1511, eff. 1-27-11; 96-1554, eff. 3-18-11; 97-694, eff.

1 6-18-12; 97-813, eff. 7-13-12.)

2 Section 15. The School Code is amended by changing Sections  
3 2-3.11, 10-22.34c, 14-2, and 22-60 as follows:

4 (105 ILCS 5/2-3.11) (from Ch. 122, par. 2-3.11)

5 Sec. 2-3.11. Report to Governor and General Assembly. To  
6 report to the Governor and General Assembly annually on or  
7 before January 14 the condition of the schools of the State  
8 using the most recently available data.

9 Such annual report shall contain reports of the State  
10 Teacher Certification Board; the schools of the State  
11 charitable institutions; reports on ~~driver education,~~ special  
12 education, and transportation; and for such year the annual  
13 statistical reports of the State Board of Education, including  
14 the number and kinds of school districts; number of school  
15 attendance centers; number of men and women teachers;  
16 enrollment by grades; total enrollment; total days attendance;  
17 total days absence; average daily attendance; number of  
18 elementary and secondary school graduates; assessed valuation;  
19 tax levies and tax rates for various purposes; amount of  
20 teachers' orders, anticipation warrants, and bonds  
21 outstanding; and number of men and women teachers and total  
22 enrollment of private schools. The report shall give for all  
23 school districts receipts from all sources and expenditures for  
24 all purposes for each fund; the total operating expense, the

1 per capita cost, and instructional expenditures; federal and  
2 state aids and reimbursements; new school buildings, and  
3 recognized schools; together with such other information and  
4 suggestions as the State Board of Education may deem important  
5 in relation to the schools and school laws and the means of  
6 promoting education throughout the state.

7 In this Section, "instructional expenditures" means the  
8 annual expenditures of school districts properly attributable  
9 to expenditure functions defined in rules of the State Board of  
10 Education as: 1100 (Regular Education); 1200-1220 (Special  
11 Education); 1250 (Ed. Deprived/Remedial); 1400 (Vocational  
12 Programs); 1600 (Summer School); 1650 (Gifted); 1800  
13 (Bilingual Programs); 1900 (Truant Alternative); 2110  
14 (Attendance and Social Work Services); 2120 (Guidance  
15 Services); 2130 (Health Services); 2140 (Psychological  
16 Services); 2150 (Speech Pathology and Audiology Services);  
17 2190 (Other Support Services Pupils); 2210 (Improvement of  
18 Instruction); 2220 (Educational Media Services); 2230  
19 (Assessment and Testing); 2540 (Operation and Maintenance of  
20 Plant Services); 2550 (Pupil Transportation Service); 2560  
21 (Food Service); 4110 (Payments for Regular Programs); 4120  
22 (Payments for Special Education Programs); 4130 (Payments for  
23 Adult Education Programs); 4140 (Payments for Vocational  
24 Education Programs); 4170 (Payments for Community College  
25 Programs); 4190 (Other payments to in-state government units);  
26 and 4200 (Other payments to out of state government units).

1 (Source: P.A. 95-793, eff. 1-1-09; 96-734, eff. 8-25-09.)

2 (105 ILCS 5/10-22.34c)

3 Sec. 10-22.34c. Third party non-instructional services.  
4 Notwithstanding any other law of this State, nothing in this  
5 Code prevents a ~~(a) A~~ board of education from entering ~~may~~  
6 ~~enter~~ into a contract with a third party for non-instructional  
7 services currently performed by any employee or bargaining unit  
8 member or from laying ~~lay~~ off those educational support  
9 personnel employees upon 30 ~~90~~ days written notice to the  
10 affected employees. ~~7 provided that:~~

11 ~~(1) a contract must not be entered into and become~~  
12 ~~effective during the term of a collective bargaining~~  
13 ~~agreement, as that term is set forth in the agreement,~~  
14 ~~covering any employees who perform the non-instructional~~  
15 ~~services;~~

16 ~~(2) a contract may only take effect upon the expiration~~  
17 ~~of an existing collective bargaining agreement;~~

18 ~~(3) any third party that submits a bid to perform the~~  
19 ~~non-instructional services shall provide the following:~~

20 ~~(A) evidence of liability insurance in scope and~~  
21 ~~amount equivalent to the liability insurance provided~~  
22 ~~by the school board pursuant to Section 10-22.3 of this~~  
23 ~~Code;~~

24 ~~(B) a benefits package for the third party's~~  
25 ~~employees who will perform the non instructional~~

1 ~~services comparable to the benefits package provided~~  
2 ~~to school board employees who perform those services;~~

3 ~~(C) a list of the number of employees who will~~  
4 ~~provide the non-instructional services, the job~~  
5 ~~classifications of those employees, and the wages the~~  
6 ~~third party will pay those employees;~~

7 ~~(D) a minimum 3 year cost projection, using~~  
8 ~~generally accepted accounting principles and which the~~  
9 ~~third party is prohibited from increasing if the bid is~~  
10 ~~accepted by the school board, for each and every~~  
11 ~~expenditure category and account for performing the~~  
12 ~~non-instructional services;~~

13 ~~(E) composite information about the criminal and~~  
14 ~~disciplinary records, including alcohol or other~~  
15 ~~substance abuse, Department of Children and Family~~  
16 ~~Services complaints and investigations, traffic~~  
17 ~~violations, and license revocations or any other~~  
18 ~~licensure problems, of any employees who may perform~~  
19 ~~the non-instructional services, provided that the~~  
20 ~~individual names and other identifying information of~~  
21 ~~employees need not be provided with the submission of~~  
22 ~~the bid, but must be made available upon request of the~~  
23 ~~school board; and~~

24 ~~(F) an affidavit, notarized by the president or~~  
25 ~~chief executive officer of the third party, that each~~  
26 ~~of its employees has completed a criminal background~~

1 ~~check as required by Section 10-21.9 of this Code~~  
2 ~~within 3 months prior to submission of the bid,~~  
3 ~~provided that the results of such background checks~~  
4 ~~need not be provided with the submission of the bid,~~  
5 ~~but must be made available upon request of the school~~  
6 ~~board;~~

7 ~~(4) a contract must not be entered into unless the~~  
8 ~~school board provides a cost comparison, using generally~~  
9 ~~accepted accounting principles, of each and every~~  
10 ~~expenditure category and account that the school board~~  
11 ~~projects it would incur over the term of the contract if it~~  
12 ~~continued to perform the non-instructional services using~~  
13 ~~its own employees with each and every expenditure category~~  
14 ~~and account that is projected a third party would incur if~~  
15 ~~a third party performed the non-instructional services;~~

16 ~~(5) review and consideration of all bids by third~~  
17 ~~parties to perform the non-instructional services shall~~  
18 ~~take place in open session of a regularly scheduled school~~  
19 ~~board meeting, unless the exclusive bargaining~~  
20 ~~representative of the employees who perform the~~  
21 ~~non-instructional services, if any such exclusive~~  
22 ~~bargaining representative exists, agrees in writing that~~  
23 ~~such review and consideration can take place in open~~  
24 ~~session at a specially scheduled school board meeting;~~

25 ~~(6) a minimum of one public hearing, conducted by the~~  
26 ~~school board prior to a regularly scheduled school board~~

1 ~~meeting, to discuss the school board's proposal to contract~~  
2 ~~with a third party to perform the non-instructional~~  
3 ~~services must be held before the school board may enter~~  
4 ~~into such a contract; the school board must provide notice~~  
5 ~~to the public of the date, time, and location of the first~~  
6 ~~public hearing on or before the initial date that bids to~~  
7 ~~provide the non-instructional services are solicited or a~~  
8 ~~minimum of 30 days prior to entering into such a contract,~~  
9 ~~whichever provides a greater period of notice;~~

10 ~~(7) a contract shall contain provisions requiring the~~  
11 ~~contractor to offer available employee positions pursuant~~  
12 ~~to the contract to qualified school district employees~~  
13 ~~whose employment is terminated because of the contract; and~~

14 ~~(8) a contract shall contain provisions requiring the~~  
15 ~~contractor to comply with a policy of nondiscrimination and~~  
16 ~~equal employment opportunity for all persons and to take~~  
17 ~~affirmative steps to provide equal opportunity for all~~  
18 ~~persons.~~

19 ~~(b) Notwithstanding subsection (a) of this Section, a board~~  
20 ~~of education may enter into a contract, of no longer than 3~~  
21 ~~months in duration, with a third party for non-instructional~~  
22 ~~services currently performed by an employee or bargaining unit~~  
23 ~~member for the purpose of augmenting the current workforce in~~  
24 ~~an emergency situation that threatens the safety or health of~~  
25 ~~the school district's students or staff, provided that the~~  
26 ~~school board meets all of its obligations under the Illinois~~

1 ~~Educational Labor Relations Act.~~

2 ~~(c) The changes to this Section made by this amendatory Act~~  
3 ~~of the 95th General Assembly are not applicable to~~  
4 ~~non-instructional services of a school district that on the~~  
5 ~~effective date of this amendatory Act of the 95th General~~  
6 ~~Assembly are performed for the school district by a third~~  
7 ~~party.~~

8 (Source: P.A. 95-241, eff. 8-17-07; 96-328, eff. 8-11-09.)

9 (105 ILCS 5/14-2)

10 Sec. 14-2. Class size Definition of general education  
11 classes classroom for special education students receiving  
12 services in the general education classes and special education  
13 classrooms for special education students receiving services  
14 in the special education classroom.

15 (a) The State Board of Education shall have no authority to  
16 adopt or promulgate any administrative rules or regulations  
17 that establish or limit the class size or ratio of the student  
18 population of a general education class for students receiving  
19 services in general education classes beyond what may be  
20 required by federal rule or law, unless the State Board of  
21 Education fully funds the cost of additional teachers and other  
22 staff that are required by such class size limitation. With  
23 ~~respect to any State statute or administrative rule that~~  
24 ~~defines a general education classroom to be composed of a~~  
25 ~~certain percentage of students with individualized education~~

1 ~~programs (IEPs), students with individualized education~~  
2 ~~programs shall exclude students receiving only speech services~~  
3 ~~outside of the general education classroom, provided that the~~  
4 ~~instruction the students receive in the general education~~  
5 ~~classroom does not require modification.~~

6       **(b) The State Board of Education shall have no authority to**  
7 **adopt or promulgate any administrative rules or regulations**  
8 **that establish or limit the class size of special education**  
9 **classes beyond what may be required by federal rule or law,**  
10 **unless the State Board of Education fully funds the cost of**  
11 **additional teachers and other staff that are required by such**  
12 **class size limitation. "Special Education Classes" means any**  
13 **circumstance where only students with individual education**  
14 **plans are served and at least one special education teacher is**  
15 **assigned and provides instruction or therapy exclusively to**  
16 **students with individual education plans. In every instance, a**  
17 **school district must ensure that composition of the general**  
18 **education classroom does not interfere with the provision of a**  
19 **free and appropriate public education to any student.**

20       **(c) Any rule or regulation in effect establishing or**  
21 **limiting the class size or ratio of student population of**  
22 **general education classes for special education students**  
23 **receiving services in general education classes or**  
24 **establishing or limiting the class size of special education**  
25 **classes is hereby null and void on the effective date of this**  
26 **amendatory Act of the 98th General Assembly.**

1 (Source: P.A. 97-284, eff. 8-9-11.)

2 (105 ILCS 5/22-60)

3 Sec. 22-60. Unfunded mandates prohibited.

4 (a) No ~~public school district or private school~~ is  
5 obligated to comply with any statutory or regulatory mandate or  
6 requirement ~~the following types of mandates~~ unless a separate  
7 appropriation has been enacted into law providing ~~full~~ funding  
8 for the ~~mandate for the~~ school year during which the mandate is  
9 required. ~~÷~~

10 ~~(1) Any mandate in this Code enacted after the~~  
11 ~~effective date of this amendatory Act of the 96th General~~  
12 ~~Assembly.~~

13 ~~(2) Any regulatory mandate promulgated by the State~~  
14 ~~Board of Education and adopted by rule after the effective~~  
15 ~~date of this amendatory Act of the 96th General Assembly~~  
16 ~~other than those promulgated with respect to this Section~~  
17 ~~or statutes already enacted on or before the effective date~~  
18 ~~of this amendatory Act of the 96th General Assembly.~~

19 (b) If the amount appropriated to fund a statutory or  
20 regulatory mandate or requirement is insufficient to ~~described~~  
21 ~~in subsection (a) of this Section does not~~ fully fund the  
22 mandated activity, then the school district ~~or private school~~  
23 may choose to discontinue or modify the mandated activity to  
24 ensure that the costs of compliance do not exceed the funding  
25 received. Official action by a school board must take place

1 before a school district may discontinue or modify a mandated  
2 activity due to insufficient funding from the State. If a  
3 school district discontinues or modifies a mandated activity  
4 due to insufficient funding from the State, then the school  
5 district shall maintain a list of discontinued or modified  
6 mandated activities. The list shall be provided to the State  
7 Board of Education upon request.

8 ~~Before discontinuing or modifying the mandate, the school~~  
9 ~~district shall petition its regional superintendent of schools~~  
10 ~~on or before February 15 of each year to request to be exempt~~  
11 ~~from implementing the mandate in a school or schools in the~~  
12 ~~next school year. The petition shall include all legitimate~~  
13 ~~costs associated with implementing and operating the mandate,~~  
14 ~~the estimated reimbursement from State and federal sources, and~~  
15 ~~any unique circumstances the school district can verify that~~  
16 ~~exist that would cause the implementation and operation of such~~  
17 ~~a mandate to be cost prohibitive.~~

18 ~~The regional superintendent of schools shall review the~~  
19 ~~petition. In accordance with the Open Meetings Act, he or she~~  
20 ~~shall convene a public hearing to hear testimony from the~~  
21 ~~school district and interested community members. The regional~~  
22 ~~superintendent shall, on or before March 15 of each year,~~  
23 ~~inform the school district of his or her decision, along with~~  
24 ~~the reasons why the exemption was granted or denied, in~~  
25 ~~writing. The regional superintendent must also send~~  
26 ~~notification to the State Board of Education detailing which~~

1 ~~school districts requested an exemption and the results.~~

2 ~~If the regional superintendent grants an exemption to the~~  
3 ~~school district, then the school district is relieved from the~~  
4 ~~requirement to establish and implement the mandate in the~~  
5 ~~school or schools granted an exemption for the next school~~  
6 ~~year. If the regional superintendent of schools does not grant~~  
7 ~~an exemption, then the school district shall implement the~~  
8 ~~mandate in accordance with the applicable law or rule by the~~  
9 ~~first student attendance day of the next school year. However,~~  
10 ~~the school district or a resident of the school district may on~~  
11 ~~or before April 15 appeal the decision of the regional~~  
12 ~~superintendent to the State Superintendent of Education. The~~  
13 ~~State Superintendent shall hear appeals on the decisions of~~  
14 ~~regional superintendents of schools no later than May 15 of~~  
15 ~~each year. The State Superintendent shall make a final decision~~  
16 ~~at the conclusion of the hearing on the school district's~~  
17 ~~request for an exemption from the mandate. If the State~~  
18 ~~Superintendent grants an exemption, then the school district is~~  
19 ~~relieved from the requirement to implement a mandate in the~~  
20 ~~school or schools granted an exemption for the next school~~  
21 ~~year. If the State Superintendent does not grant an exemption,~~  
22 ~~then the school district shall implement the mandate in~~  
23 ~~accordance with the applicable law or rule by the first student~~  
24 ~~attendance day of the next school year.~~

25 ~~If a school district or private school discontinues or~~  
26 ~~modifies a mandated activity due to lack of full funding from~~

1 ~~the State, then the school district or private school shall~~  
2 ~~annually maintain and update a list of discontinued or modified~~  
3 ~~mandated activities. The list shall be provided to the State~~  
4 ~~Board of Education upon request.~~

5 (c) (Blank). ~~This Section does not apply to (i) any new~~  
6 ~~statutory or regulatory mandates related to revised learning~~  
7 ~~standards developed through the Common Core State Standards~~  
8 ~~Initiative and assessments developed to align with those~~  
9 ~~standards or actions specified in this State's Phase 2 Race to~~  
10 ~~the Top Grant application if the application is approved by the~~  
11 ~~United States Department of Education or (ii) new statutory or~~  
12 ~~regulatory mandates from the Race to the Top Grant through the~~  
13 ~~federal American Recovery and Reinvestment Act of 2009 imposed~~  
14 ~~on school districts designated as being in the lowest~~  
15 ~~performing 5% of schools within the Race to the Top Grant~~  
16 ~~application.~~

17 (d) (Blank). ~~In any instances in which this Section~~  
18 ~~conflicts with the State Mandates Act, the State Mandates Act~~  
19 ~~shall prevail.~~

20 (Source: P.A. 96-1441, eff. 8-20-10.)

21 (105 ILCS 5/27-24 rep.)

22 (105 ILCS 5/27-24.1 rep.)

23 (105 ILCS 5/27-24.2 rep.)

24 (105 ILCS 5/27-24.3 rep.)

25 (105 ILCS 5/27-24.4 rep.)

1 (105 ILCS 5/27-24.5 rep.)

2 (105 ILCS 5/27-24.6 rep.)

3 (105 ILCS 5/27-24.7 rep.)

4 (105 ILCS 5/27-24.8 rep.)

5 Section 20. The School Code is amended by repealing  
6 Sections 27-24, 27-24.1, 27-24.2, 27-24.3, 27-24.4, 27-24.5,  
7 27-24.6, 27-24.7, and 27-24.8.

8 Section 22. The Illinois Educational Labor Relations Act is  
9 amended by changing Section 4.5 and 17 as follows:

10 (115 ILCS 5/4.5)

11 Sec. 4.5. Subjects of collective bargaining.

12 (a) Notwithstanding the existence of any other provision in  
13 this Act or other law, except subsection (a-5) of this Section,  
14 collective bargaining between an educational employer whose  
15 territorial boundaries are coterminous with those of a city  
16 having a population in excess of 500,000 and an exclusive  
17 representative of its employees may include any of the  
18 following subjects:

19 (1) (Blank).

20 (2) Decisions to contract with a third party for one or  
21 more services otherwise performed by employees in a  
22 bargaining unit and the procedures for obtaining such  
23 contract or the identity of the third party.

24 (3) Decisions to layoff or reduce in force employees.

1           (4) Decisions to determine class size, class staffing  
2           and assignment, class schedules, academic calendar, length  
3           of the work and school day with respect to a public school  
4           district organized under Article 34 of the School Code  
5           only, length of the work and school year with respect to a  
6           public school district organized under Article 34 of the  
7           School Code only, hours and places of instruction, or pupil  
8           assessment policies.

9           (5) Decisions concerning use and staffing of  
10          experimental or pilot programs and decisions concerning  
11          use of technology to deliver educational programs and  
12          services and staffing to provide the technology.

13          (a-5) On and after the effective date of this amendatory  
14          Act of the 98th General Assembly, a school district organized  
15          under Article 34 of the School Code and an exclusive  
16          representative of that district's employees shall not enter  
17          into, amend, or renew a collective bargaining agreement that  
18          relates to decisions concerning the use and staffing of  
19          experimental or pilot programs or decisions concerning the use  
20          of technology to deliver educational programs and services and  
21          staffing to provide the technology.

22          (b) The subject or matters described in subsection (a) are  
23          permissive subjects of bargaining between an educational  
24          employer and an exclusive representative of its employees and,  
25          for the purpose of this Act, are within the sole discretion of  
26          the educational employer to decide to bargain, provided that

1 the educational employer is required to bargain over the impact  
2 of a decision concerning such subject or matter on the  
3 bargaining unit upon request by the exclusive representative.  
4 During this bargaining, the educational employer shall not be  
5 precluded from implementing its decision. If, after a  
6 reasonable period of bargaining, a dispute or impasse exists  
7 between the educational employer and the exclusive  
8 representative, the dispute or impasse shall be resolved  
9 exclusively as set forth in subsection (b) of Section 12 of  
10 this Act in lieu of a strike under Section 13 of this Act.  
11 Neither the Board nor any mediator or fact-finder appointed  
12 pursuant to subsection (a-10) of Section 12 of this Act shall  
13 have jurisdiction over such a dispute or impasse.

14 (c) A provision in a collective bargaining agreement that  
15 was rendered null and void because it involved a prohibited  
16 subject of collective bargaining under this subsection (c) as  
17 this subsection (c) existed before the effective date of this  
18 amendatory Act of the 93rd General Assembly remains null and  
19 void and shall not otherwise be reinstated in any successor  
20 agreement unless the educational employer and exclusive  
21 representative otherwise agree to include an agreement reached  
22 on a subject or matter described in subsection (a) of this  
23 Section as subsection (a) existed before this amendatory Act of  
24 the 93rd General Assembly.

25 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11.)

1 (115 ILCS 5/17) (from Ch. 48, par. 1717)

2 Sec. 17. Effect on other laws. In case of any conflict  
3 between the provisions of this Act and any other law (other  
4 than the changes made by this amendatory Act of the 98th  
5 General Assembly), executive order or administrative  
6 regulation, the provisions of this Act shall prevail and  
7 control. Nothing in this Act shall be construed to replace or  
8 diminish the rights of employees established by Section 36d of  
9 "An Act to create the State Universities Civil Service System",  
10 approved May 11, 1905, as amended or modified.

11 (Source: P.A. 83-1014.)

12 Section 25. The Illinois Vehicle Code is amended by  
13 changing Sections 1-103 and 6-103 as follows:

14 (625 ILCS 5/1-103) (from Ch. 95 1/2, par. 1-103)

15 Sec. 1-103. Approved driver education course. (a) Any  
16 course of driver education approved by the State Board of  
17 Education, offered by public or private schools maintaining  
18 grades 9 through 12, ~~and meeting at least the minimum~~  
19 ~~requirements of the "Driver Education Act", as now or hereafter~~  
20 ~~amended,~~ (b) any course of driver education offered by a school  
21 licensed to give driver education instructions under this Code  
22 that Act which meets at least the minimum educational  
23 requirements of the "Driver Education Act", as now or hereafter  
24 amended, and is approved by the State Board of Education, (c)

1 any course of driver education given in another state ~~State~~ to  
2 an Illinois resident attending school in such state ~~State~~ and  
3 approved by the state ~~State~~ administrator of the Driver  
4 Education Program of such other state ~~State~~, or (d) any course  
5 of driver education given at a Department of Defense Education  
6 Activity school that is approved by the Department of Defense  
7 Education Activity and taught by an adult driver education  
8 instructor or traffic safety officer.

9 (Source: P.A. 96-740, eff. 1-1-10.)

10 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

11 Sec. 6-103. What persons shall not be licensed as drivers  
12 or granted permits. The Secretary of State shall not issue,  
13 renew, or allow the retention of any driver's license nor issue  
14 any permit under this Code:

15 1. To any person, as a driver, who is under the age of  
16 18 years except as provided in Section 6-107, and except  
17 that an instruction permit may be issued under Section  
18 6-107.1 to a child who is not less than 15 years of age if  
19 the child is enrolled in an approved driver education  
20 course as defined in Section 1-103 of this Code and  
21 requires an instruction permit to participate therein,  
22 except that an instruction permit may be issued under the  
23 provisions of Section 6-107.1 to a child who is 17 years  
24 and 3 months of age without the child having enrolled in an  
25 approved driver education course and except that an

1 instruction permit may be issued to a child who is at least  
2 15 years and 3 months of age, is enrolled in school, ~~meets~~  
3 ~~the educational requirements of the Driver Education Act,~~  
4 and has passed examinations the Secretary of State in his  
5 or her discretion may prescribe;

6 2. To any person who is under the age of 18 as an  
7 operator of a motorcycle other than a motor driven cycle  
8 unless the person has, in addition to meeting the  
9 provisions of Section 6-107 of this Code, successfully  
10 completed a motorcycle training course approved by the  
11 Illinois Department of Transportation and successfully  
12 completes the required Secretary of State's motorcycle  
13 driver's examination;

14 3. To any person, as a driver, whose driver's license  
15 or permit has been suspended, during the suspension, nor to  
16 any person whose driver's license or permit has been  
17 revoked, except as provided in Sections 6-205, 6-206, and  
18 6-208;

19 4. To any person, as a driver, who is a user of alcohol  
20 or any other drug to a degree that renders the person  
21 incapable of safely driving a motor vehicle;

22 5. To any person, as a driver, who has previously been  
23 adjudged to be afflicted with or suffering from any mental  
24 or physical disability or disease and who has not at the  
25 time of application been restored to competency by the  
26 methods provided by law;

1           6. To any person, as a driver, who is required by the  
2 Secretary of State to submit an alcohol and drug evaluation  
3 or take an examination provided for in this Code unless the  
4 person has successfully passed the examination and  
5 submitted any required evaluation;

6           7. To any person who is required under the provisions  
7 of the laws of this State to deposit security or proof of  
8 financial responsibility and who has not deposited the  
9 security or proof;

10          8. To any person when the Secretary of State has good  
11 cause to believe that the person by reason of physical or  
12 mental disability would not be able to safely operate a  
13 motor vehicle upon the highways, unless the person shall  
14 furnish to the Secretary of State a verified written  
15 statement, acceptable to the Secretary of State, from a  
16 competent medical specialist, a licensed physician  
17 assistant who has been delegated the performance of medical  
18 examinations by his or her supervising physician, or a  
19 licensed advanced practice nurse who has a written  
20 collaborative agreement with a collaborating physician  
21 which authorizes him or her to perform medical  
22 examinations, to the effect that the operation of a motor  
23 vehicle by the person would not be inimical to the public  
24 safety;

25          9. To any person, as a driver, who is 69 years of age  
26 or older, unless the person has successfully complied with

1 the provisions of Section 6-109;

2 10. To any person convicted, within 12 months of  
3 application for a license, of any of the sexual offenses  
4 enumerated in paragraph 2 of subsection (b) of Section  
5 6-205;

6 11. To any person who is under the age of 21 years with  
7 a classification prohibited in paragraph (b) of Section  
8 6-104 and to any person who is under the age of 18 years  
9 with a classification prohibited in paragraph (c) of  
10 Section 6-104;

11 12. To any person who has been either convicted of or  
12 adjudicated under the Juvenile Court Act of 1987 based upon  
13 a violation of the Cannabis Control Act, the Illinois  
14 Controlled Substances Act, or the Methamphetamine Control  
15 and Community Protection Act while that person was in  
16 actual physical control of a motor vehicle. For purposes of  
17 this Section, any person placed on probation under Section  
18 10 of the Cannabis Control Act, Section 410 of the Illinois  
19 Controlled Substances Act, or Section 70 of the  
20 Methamphetamine Control and Community Protection Act shall  
21 not be considered convicted. Any person found guilty of  
22 this offense, while in actual physical control of a motor  
23 vehicle, shall have an entry made in the court record by  
24 the judge that this offense did occur while the person was  
25 in actual physical control of a motor vehicle and order the  
26 clerk of the court to report the violation to the Secretary

1 of State as such. The Secretary of State shall not issue a  
2 new license or permit for a period of one year;

3 13. To any person who is under the age of 18 years and  
4 who has committed the offense of operating a motor vehicle  
5 without a valid license or permit in violation of Section  
6 6-101 or a similar out of state offense;

7 14. To any person who is 90 days or more delinquent in  
8 court ordered child support payments or has been  
9 adjudicated in arrears in an amount equal to 90 days'  
10 obligation or more and who has been found in contempt of  
11 court for failure to pay the support, subject to the  
12 requirements and procedures of Article VII of Chapter 7 of  
13 the Illinois Vehicle Code;

14 14.5. To any person certified by the Illinois  
15 Department of Healthcare and Family Services as being 90  
16 days or more delinquent in payment of support under an  
17 order of support entered by a court or administrative body  
18 of this or any other State, subject to the requirements and  
19 procedures of Article VII of Chapter 7 of this Code  
20 regarding those certifications;

21 15. To any person released from a term of imprisonment  
22 for violating Section 9-3 of the Criminal Code of 1961 or  
23 the Criminal Code of 2012, or a similar provision of a law  
24 of another state relating to reckless homicide or for  
25 violating subparagraph (F) of paragraph (1) of subsection  
26 (d) of Section 11-501 of this Code relating to aggravated

1 driving under the influence of alcohol, other drug or  
2 drugs, intoxicating compound or compounds, or any  
3 combination thereof, if the violation was the proximate  
4 cause of a death, within 24 months of release from a term  
5 of imprisonment;

6 16. To any person who, with intent to influence any act  
7 related to the issuance of any driver's license or permit,  
8 by an employee of the Secretary of State's Office, or the  
9 owner or employee of any commercial driver training school  
10 licensed by the Secretary of State, or any other individual  
11 authorized by the laws of this State to give driving  
12 instructions or administer all or part of a driver's  
13 license examination, promises or tenders to that person any  
14 property or personal advantage which that person is not  
15 authorized by law to accept. Any persons promising or  
16 tendering such property or personal advantage shall be  
17 disqualified from holding any class of driver's license or  
18 permit for 120 consecutive days. The Secretary of State  
19 shall establish by rule the procedures for implementing  
20 this period of disqualification and the procedures by which  
21 persons so disqualified may obtain administrative review  
22 of the decision to disqualify;

23 17. To any person for whom the Secretary of State  
24 cannot verify the accuracy of any information or  
25 documentation submitted in application for a driver's  
26 license; or

1           18. To any person who has been adjudicated under the  
2           Juvenile Court Act of 1987 based upon an offense that is  
3           determined by the court to have been committed in  
4           furtherance of the criminal activities of an organized  
5           gang, as provided in Section 5-710 of that Act, and that  
6           involved the operation or use of a motor vehicle or the use  
7           of a driver's license or permit. The person shall be denied  
8           a license or permit for the period determined by the court.

9           The Secretary of State shall retain all conviction  
10          information, if the information is required to be held  
11          confidential under the Juvenile Court Act of 1987.

12          (Source: P.A. 96-607, eff. 8-24-09; 96-740, eff. 1-1-10;  
13          96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 97-185, eff.  
14          7-22-11; 97-1150, eff. 1-25-13.)

15          Section 30. The Prevailing Wage Act is amended by changing  
16          Section 2 and by adding Section 11c as follows:

17                 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

18          Sec. 2. This Act applies to the wages of laborers,  
19          mechanics and other workers employed in any public works, as  
20          hereinafter defined, by any public body and to anyone under  
21          contracts for public works. This includes any maintenance,  
22          repair, assembly, or disassembly work performed on equipment  
23          whether owned, leased, or rented.

24          As used in this Act, unless the context indicates

1 otherwise:

2 "Public works" means all fixed works constructed or  
3 demolished by any public body, or paid for wholly or in part  
4 out of public funds. "Public works" as defined herein includes  
5 all projects financed in whole or in part with bonds, grants,  
6 loans, or other funds made available by or through the State or  
7 any of its political subdivisions, including but not limited  
8 to: bonds issued under the Industrial Project Revenue Bond Act  
9 (Article 11, Division 74 of the Illinois Municipal Code), the  
10 Industrial Building Revenue Bond Act, the Illinois Finance  
11 Authority Act, the Illinois Sports Facilities Authority Act, or  
12 the Build Illinois Bond Act; loans or other funds made  
13 available pursuant to the Build Illinois Act; or funds from the  
14 Fund for Illinois' Future under Section 6z-47 of the State  
15 Finance Act, funds for school construction under Section 5 of  
16 the General Obligation Bond Act, funds authorized under Section  
17 3 of the School Construction Bond Act, funds for school  
18 infrastructure under Section 6z-45 of the State Finance Act,  
19 and funds for transportation purposes under Section 4 of the  
20 General Obligation Bond Act. "Public works" also includes (i)  
21 all projects financed in whole or in part with funds from the  
22 Department of Commerce and Economic Opportunity under the  
23 Illinois Renewable Fuels Development Program Act for which  
24 there is no project labor agreement; (ii) all work performed  
25 pursuant to a public private agreement under the Public Private  
26 Agreements for the Illiana Expressway Act; and (iii) all

1 projects undertaken under a public-private agreement under the  
2 Public-Private Partnerships for Transportation Act. "Public  
3 works" also includes all projects at leased facility property  
4 used for airport purposes under Section 35 of the Local  
5 Government Facility Lease Act. "Public works" also includes the  
6 construction of a new wind power facility by a business  
7 designated as a High Impact Business under Section 5.5(a)(3)(E)  
8 of the Illinois Enterprise Zone Act. "Public works" does not  
9 include work done directly by any public utility company,  
10 whether or not done under public supervision or direction, or  
11 paid for wholly or in part out of public funds. "Public works"  
12 does not include projects undertaken by the owner at an  
13 owner-occupied single-family residence or at an owner-occupied  
14 unit of a multi-family residence.

15 "School construction project" means the acquisition,  
16 development, construction, reconstruction, rehabilitation,  
17 improvement, architectural planning, and installation of  
18 capital facilities consisting of buildings, structures,  
19 durable equipment, and land for educational purposes.

20 "Construction" means all work on public works involving  
21 laborers, workers or mechanics. This includes any maintenance,  
22 repair, assembly, or disassembly work performed on equipment  
23 whether owned, leased, or rented.

24 "Locality" means the county where the physical work upon  
25 public works is performed, except (1) that if there is not  
26 available in the county a sufficient number of competent

1 skilled laborers, workers and mechanics to construct the public  
2 works efficiently and properly, "locality" includes any other  
3 county nearest the one in which the work or construction is to  
4 be performed and from which such persons may be obtained in  
5 sufficient numbers to perform the work and (2) that, with  
6 respect to contracts for highway work with the Department of  
7 Transportation of this State, "locality" may at the discretion  
8 of the Secretary of the Department of Transportation be  
9 construed to include two or more adjacent counties from which  
10 workers may be accessible for work on such construction.

11 "Public body" means the State or any officer, board or  
12 commission of the State or any political subdivision or  
13 department thereof, or any institution supported in whole or in  
14 part by public funds, and includes every county, city, town,  
15 village, township, school district, irrigation, utility,  
16 reclamation improvement or other district and every other  
17 political subdivision, district or municipality of the state  
18 whether such political subdivision, municipality or district  
19 operates under a special charter or not.

20 The terms "general prevailing rate of hourly wages",  
21 "general prevailing rate of wages" or "prevailing rate of  
22 wages" when used in this Act mean the hourly cash wages plus  
23 fringe benefits for training and apprenticeship programs  
24 approved by the U.S. Department of Labor, Bureau of  
25 Apprenticeship and Training, health and welfare, insurance,  
26 vacations and pensions paid generally, in the locality in which

1 the work is being performed, to employees engaged in work of a  
2 similar character on public works.

3 (Source: P.A. 96-28, eff. 7-1-09; 96-58, eff. 1-1-10; 96-186,  
4 eff. 1-1-10; 96-913, eff. 6-9-10; 96-1000, eff. 7-2-10; 97-502,  
5 eff. 8-23-11.)

6 (820 ILCS 130/11c new)

7 Sec. 11c. School district exemption.

8 By passage of a resolution, the board of education of any  
9 school district may exempt all school construction projects  
10 undertaken in the district from the requirements of this Act.

11 Section 90. The State Mandates Act is amended by adding  
12 Section 8.37 as follows:

13 (30 ILCS 805/8.37 new)

14 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8  
15 of this Act, no reimbursement by the State is required for the  
16 implementation of any mandate created by this amendatory Act of  
17 the 98th General Assembly.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	5 ILCS 315/15	from Ch. 48, par. 1615
4	30 ILCS 571/10	
5	30 ILCS 571/15	
6	30 ILCS 571/17 new	
7	40 ILCS 5/16-158	from Ch. 108 1/2, par. 16-158
8	105 ILCS 5/2-3.11	from Ch. 122, par. 2-3.11
9	105 ILCS 5/10-22.34c	
10	105 ILCS 5/14-2	
11	105 ILCS 5/22-60	
12	105 ILCS 5/27-24 rep.	
13	105 ILCS 5/27-24.1 rep.	
14	105 ILCS 5/27-24.2 rep.	
15	105 ILCS 5/27-24.3 rep.	
16	105 ILCS 5/27-24.4 rep.	
17	105 ILCS 5/27-24.5 rep.	
18	105 ILCS 5/27-24.6 rep.	
19	105 ILCS 5/27-24.7 rep.	
20	105 ILCS 5/27-24.8 rep.	
21	115 ILCS 5/4.5	
22	115 ILCS 5/17	from Ch. 48, par. 1717
23	625 ILCS 5/1-103	from Ch. 95 1/2, par. 1-103
24	625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
25	820 ILCS 130/2	from Ch. 48, par. 39s-2

SB2367

- 51 -

LRB098 09498 EFG 39641 b

1 820 ILCS 130/11c new

2 30 ILCS 805/8.37 new